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# THE MEXICAN POLICY OF SOUTHERN LEADERS UNDER BUCHANAN'S ADMINISTRATION

BY

JAMES MORTON CALLAHAN

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# VIII. THE MEXICAN POLICY OF SOUTHERN LEADERS UNDER BUCHANAN'S ADMINISTRATION.

By JAMES MORTON CALLAHAN,

*Professor of History, West Virginia University.*

# THE MEXICAN POLICY OF SOUTHERN LEADERS UNDER BUCHANAN'S ADMINISTRATION.

By James Morton Callahan.

The manuscript archives of the Department of State at Washington contain the unpublished instructions and dispatches of three prominent and distinguished men of the South—Gadsden, Forsyth, and McLane—who, as envoys extraordinary and ministers plenipotentiary, conducted relations with Mexico during the interesting period of American history in which the shibboleth of "manifest destiny" was added to the Monroe doctrine of national security. The first of these in the Pierce administration acquired territory for a railroad route to the Pacific. The other two, in Buchanan's administration, successively and unsuccessfully labored to obtain additional territory and various privileges which they thought would benefit Mexico as well as the United States.

The Mexican problem, which thrice had been adjusted by change of boundaries, still persisted after the Gadsden purchase. Complicated with southern interests and largely under the influence of southern statesmen, the remedy most persistently proposed for its solution, in connection with an American transit route across Mexico, was an additional reduction of Mexican territory by a new cession to the United States; or, if that should fail, the establishment of an American protectorate which was expected in time to result in new annexations to the stronger country. The problem, only partially solved by the Pierce administration, was inherited by the Buchanan administration which continued to negotiate; first, for the acquisition of additional Mexican territory and territorial concessions as long as there was any hope of success, and later for territorial concessions and direct intervention to enforce treaty stipulations until the secession of the Southern States precipitated the beginning of the American Civil War and thereby increased the possibility and probability of the long-predicted intervention of European powers in Mexico, and exposed Mexican territory to the possible designs of Confederate filibusters.

In looking for the principal motives which directed the incessant and persistent negotiations for more land one finds both sentiment and material interests—sentiment against apprehended European

intervention in the affairs of Mexico, whose Government needed money to pay various claims and debts and to consolidate and strengthen itself against internal disorder and foreign designs, and the material interests of the United States as interpreted by its Government and prominent southern leaders who were willing to pay money for a more logical boundary that would reduce the dangers of border irritation, and for transit and commercial privileges which seemed as useful to Mexico as they would be to the United States and to the men who had pecuniary interest in them. It was especially urged that the annexation of the "isolated and unproductive Provinces" of Mexico by the United States would "add to the security of Mexico." [1] Negotiations were also influenced and complicated by conflicting interests in Tehuantepec, resulting from the Mexican annullment in 1851 of a transit grant obtained from Santa Anna in 1842 by a Mexican named Garay, and the later (1853) grant of a franchise to A. G. Sloo of the Tehuantepec Company, who mortgaged it to Falconnet, a British subject, who, in 1856, made a cession of his privilege to Mr. Hargous, of New York, whose right the Mexican Government refused to recognize.[2]

The Gadsden treaty, obtained by merging a boundary dispute into negotiations for boundary alterations, and which secured for $10,000,000 the strip of territory south of the Gila, the release of the United States from any responsibility for the acts of the Indians along the Mexican border, and a guarantee of a right of way across the Isthmus of Tehuantepec, was never regarded as a final adjustment of the territorial question with Mexico. Perhaps it is not generally known that the territory obtained was only a small part of what was desired at the time. Even before the negotiations were completed, at an opportune time in the critical state of Mexican affairs, and possibly influenced by the conditions in Sonora and Lower California which invited filibustering expeditions,[3] the President hoped that the Mexican Government, in need of money, might make a liberal cession of territory if it could be done without public discussion. Accordingly additional "confidential" instructions authorizing the payment of $50,000,000 for 125,000 square miles of territory, including the region beyond the Rio Grande to the watershed and to 32° on the Gulf of California, were sent to Gadsden by special messenger, Mr. C. L. Ward, who was directed not to carry his written instructions into Mexico.[4] The attempt to secure so large

[1] 21 Despatches, Mexico (i. e., Department of State, Bureau of Indexes and Archives, Diplomatic Archives, Mexico, Despatches from American agents, vol. 21) No. 72, Apr. 3, 1858, and No. 73, Apr. 16, 1858.

[2] 17 Instructions, Mexico (i. e., Department of State, etc., Mexico, Instructions to American Agents, vol. 17), July 17, 1857.

[3] 14 Despatches, Mexico, No. 3, Mar. 8, 1850; No. 7, Dec. 24, 1852; and Nos. 40 and 41 of May 19 and 24, 1853; New York Herald, July 27, 1854.

[4] Secret Book 2, No. 20, Jan. 6, 1854; Department of State, Diplomatic Archives, Special Missions, vol. 3, p. 38, Oct. 22, and also p. 277.

an extent of territory probably excited the suspicions of Mexico and delayed the completion of the treaty.

Aware of the danger of arousing further the anticession sentiment of Mexico, which had led to the expulsion of Santa Anna, and possibly influenced by the recent failures to secure Cuba and Hawaii, the Pierce administration hesitated to propose negotiations for more Mexican territory. After the negotiation of the Gadsden treaty, however, there were various sources of friction and irritation which, while they threatened to arrest the progress of American expansion in the southwest, also encouraged expectations of new territorial cessions to which no Mexican Government could ever have been induced to agree after the troubled experience of Santa Anna. Seeing no chance to effect an arrangement involving a pecuniary liquidation of claims, Gadsden wrote to Marcy in the spring of 1855 that, "if property, extension of territory, or other grants or commercial privileges are not acceptable as a means of settlement, resort must be had to the sword, which will end in the absorption of the whole Republic."[1] In his valedictory dispatch, complaining that his dispatches had been treated with indifference and attributing his recall to the energy with which he had watched and reported European designs which threatened to check the progress of America by the formation of an alliance of Spanish America against the United States, he exonerated himself from all responsibility for the impending loss of Mexico, Cuba, and the Gulf.[2]

Three months before Gadsden left his post, John Forsyth, of Alabama, received his commission as envoy to Mexico, with instructions to allay all suspicion that the United States had sinister designs on Mexico, but to urge trade reciprocity, a postal convention, and fair indemnities to adjust American claims.[3] After viewing the conditions, he reported that there was little hope of stability for Mexico except through a proposed alliance with the United States by the infusion of Americans into the Mexican Army.[4] On February 10, 1857, he negotiated treaties which he thought would strengthen the Mexican Government, and which also would have made important changes in the internal relations of the two nations. One, providing for a loan by the United States to Mexico and for the payment of the British convention debt, was not authorized by instructions. With this were combined a postal convention, a reciprocity treaty, and commercial arrangements to open Mexican markets to American manufactures. The President had weighty objections to some of these treaties and decided not to submit them to the Senate so near the close of his administration.[5]

[1] 19 Despatches, Mexico, No. 60, Apr. 3, 1855.
[2] 19 Despatches, Mexico, No. 97, Oct. 4, 1856.
[3] 17 Instructions, Mexico, No. 2, Aug. 16, 1856.
[4] 29 Despatches, Mexico, No. 5, Nov. 8; No. 14, Dec. 19, 1856.
[5] 17 Instructions, Mexico, No. 11, Mar. 3; No. 12, Mar. 11, 1857.

The Buchanan administration, largely under the influence of Senator Judah P. Benjamin, who was the attorney for the new Louisiana Tehuantepec Co., resumed negotiations for territory. In July, 1857, two months before the time set for the termination of the extraordinary power of President Comonfort, of Mexico, the President sent to Forsyth new instructions—which were handed to him by Emile La Sère, president of the Louisiana Tehuantepec Co., who went to Mexico with Benjamin to secure a modification of the Sloo grant. These authorized him to conclude a treaty with Mexico for the acquisition of Lower California, nearly all of Sonora, and part of Chihuahua north of 30°, and the right of way or transit in perpetuity, under American guarantee of neutrality, on any route of commerce which should be constructed across Mexico from ocean to ocean. He was authorized to pay four or five million dollars for Lower California and eight or ten million for the Sonora and Chihuahua territory. At the same time he was instructed to aid Benjamin and La Sère, and was authorized, if expedient, to employ their services in obtaining the cession of territory.[1]

Forsyth, whose previous dispatches had reported the impracticability of any attempt to negotiate a new boundary treaty with a Government which had strongly pledged itself not to alienate, cede, exchange, or hypothecate any part of the national territory, hesitated to undertake negotiations which contemplated the acquisition of so much territory at a price far below the exaggerated Mexican estimates of its value, and which offered no pecuniary compensation or equivalent for the franchises giving privileges of right of way across Tehuantepec in extension of the concessions of 1853.[2] Although he considered that any attempt to negotiate was hopeless from the beginning, he approached both the president and Lerdo de Tejada who declined to consider the subject. Meanwhile, he had declined to cooperate with Benjamin and La Sère, known in capital papers as the "American negotiators," whose presence he felt had tended to degrade the legation and who on September 7 concluded a private contract with Mexico to which Forsyth objected on the ground that it annulled the Sloo grant, put in jeopardy all American interests on the isthmus, gave the United States no benefit, and was not in conformity with the terms and conditions of Cass's instructions. He especially resented the pretentions of Benjamin, who he felt had been largely responsible for the failure of his treaties of February 10, who boasted that he carried the Buchanan administration in his pocket, and whose Mexican acquaintances—of the banking and capitalistic class—openly remarked that he had secret and

[1] 17 Instructions, Mexico, No. 27 and No. 28, July 17, 1857.
[2] 21 Despatches, Mexico, No. 48, Sept. 15, 1857.

ample powers which placed the United States legation in temporary abeyance.[1]

On their return to the United States, the smooth Benjamin and La Sère, in a note to President Buchanan, attacked Forsyth's integrity and honor as a gentleman, blaming him for his course regarding their transit negotiations which had caused them to lose a million dollars, and accusing him of favoring the cause of Soulé, the representative of the Sloo interests, who was in Mexico City at the same time to oppose the plans of Benjamin and La Sère. The inquisitive and dominating Benjamin evidently had kept a diary in which he had made full notes of all Forsyth's daily life and actions.[2]

The irate Forsyth in his defense said his instructions had not required him to subordinate to the interests of a company seeking lucrative railway privileges any of the public questions involved in his negotiations—including the proposition to transfer the sovereignty of an empire. At the same time he declared that by negotiations not complicated with attempts to get territory he could have obtained a satisfactory treaty which would have secured to the United States the virtual protectorate and military occupation of the Tehuantepec transit and a cession of a right of way for a railroad across the northern part of Mexico, almost on the line which the Buchanan administration had proposed as a new boundary, together with grants of alternate leagues of land which, in addition to use as a fund for the construction of the road, "would have fenced off and consecrated to American use and ultimately to American ownership the very territory" which he had been instructed to purchase.[3] He desired authority to open negotiations for a treaty of transits and commerce on this basis for which he proposed to pay $12,000,000; but his Government declined to contribute money to relieve Mexico "unless it could get a consideration equally valuable in return."[4] Forsyth explained that he had been "anxious to make it clear that the purchase of commercial privileges was contemplated, and in fact desired, merely as a means to a political end—that end being to sustain Mexico and to keep her from falling to pieces, perhaps into the hands of foreign powers, until such time as we were ready to 'Americanize' her."[5]

Later while sustaining the declining Comonfort government by efforts to induce bankers to lend money to it and contemplating "some decisive step to meet the exigency of the situation," he earnestly requested authority at a critical moment to offer for territory a much larger price, which might prove an irresistible temptation to

[1] 21 Despatches, Mexico, Private, Jan. 14, 1858.
[2] 21 Despatches, Mexico, No. 57, Nov. 24, 1857.
[3] 21 Despatches, Mexico, No. 52, Sept. 29; No. 51, Sept. 26, 1857.
[4] 17 Instructions, Mexico, No. 33, Nov. 17, 1857.
[5] 21 Despatches, Mexico, No. 68, Feb. 13, 1858.

President Comonfort and the Mexican Congress and satisfy the expectation of the public mind; but he was informed that the maximum price already offered could not be extended. Still later, confident that he had had an opportunity to make a treaty if he could have made an immediate advance of $500,000 in cash, he urged that $1,500,000 should be placed at his disposal to be applied as part payment immediately on signing the cession at the next favorable opportunity.[1]

At the fall of the Comonfort government he immediately felt the territorial pulse of the Zuloaga administration and reported that the symptoms were favorable.[2] Encouraged by the reports of his ecclesiastical agents who had sounded both Zuloaga and minister Cuevas, he formally on March 22, 1858, proposed negotiations for a change of boundary and for transits. On the proposition for cession of territory, his argument was the doctrine of "manifest destiny" supported by the inevitable, unchangeable, and inscrutable laws of the Creator. Cuevas politely declined and clearly stated his reasons.[3] Attributing the rejection to timidity and "a paroxysm of political cowardice" Forsyth withdrew his proposition by a brief note stating that the generosity of the United States would be vindicated in the fullness of time, and emerged from the brief diplomatic contest with the firm conviction that Mexico needed another government.[4] Deploring the lack of American foreign policy since the Mexican war, he urged that the plain and obvious duty of the United States was to resort to the argument of compulsion to induce Mexico to meet her obligations, and incidentally to enable the United States to secure territory. "You want Sonora?" said he. "The American blood spilled near its line would justify you in seizing it. * * * You want other territory? Send me power to make an ultimate demand for the several millions Mexico owes our people. * * * You want the Tehuantepec transits? Say to Mexico, 'Nature has placed that shortest highway between the two oceans, so necessary to the commerce of the world. * * * Give us what we ask for in return for the manifest benefits we propose to confer on you for it, or we will take it.'" Such language he said would result in good to both countries.[5]

Considering the possible decision of the American Government to accept a protectorate for Mexico, he urged that the selection of a worthy head of the new Mexican Government should be an essential condition. He doubted the wisdom of selecting Juárez and he pro-

[1] 21 Despatches, Mexico, No. 56, Nov. 18; No. 58, Nov. 25; No. 62, Dec. 17, 1857; Private, Jan. 14, 1858.
[2] 21 Despatches, Mexico, No. 66, Jan. 29; No. 67, Jan. 30; No. 68, Feb. 13; No. 69, Mar. 1; No. 71, Mar. 18, 1858.
[3] 21 Despatches, Mexico, No. 72, Apr. 3, 1858; Diario de Avisos, Apr. 29, 1859.
[4] 21 Despatches, Mexico, No. 73, Apr. 8, 1858.
[5] 21 Despatches, Mexico, Private, Apr. 15, 1858.

posed to eliminate Comonfort. He especially commended the clever Miguel Lerdo de Tejada, who had lost all hope in his country and was thoroughly converted to the "doctrine that an American protectorate was the only recourse." He also favorably mentioned Osollo, to whom he suggested a conference with Lerdo, whom he regarded as the real Liberal leader. "If these two men choose," said he, "I believe they will have the power to change the Government in 24 hours." [1]

As the fury of civil war increased, he ruffled the composure of the palace by presenting cases for consideration and by the belligerent stand which he took in protesting against forced loans and contributions, to which he advised foreigners not to yield unless confronted by armed force. He was finally summoned to a private interview by Zuloaga, who stated that as a last resort he had decided to make the sacrifice of territory for the good of his country and for his own salvation, but the rising hopes thus produced were suddenly lowered again by the vacillation of Zuloaga two days later.[2]

Assured that the Buchanan administration was satisfied with the manner in which he had performed his negotiations,[3] and receiving no further special instructions during the remainder of his stay, Forsyth assumed an attitude of active opposition to the Zuloaga Government—and especially of antagonism to Cuevas, who had, he learned, requested his recall. He confidently reported that the Government would either be overthrown or forced to negotiate with him a treaty of cession. At the close of an undignified and undiplomatic correspondence in June, he suspended diplomatic relations until he could learn the pleasure of his Government.[4] While awaiting a reply from Washington he kept in close touch with the enemies of the Zuloaga Government and informed his own Government that he saw the signs and preparations of an almost matured revolution under the leadership of Lerdo, who, after several recent changes of domicile to avoid arrest, had become a guest under the roof of the American legation, and had confided his plans to the American minister. Learning that the Mexican authorities had discovered Lerdo's retreat and might attempt to take him by force, he prepared arms and ammunition and 30 Americans to defend his "castle." [5] In August, when he received instructions sanctioning his suspension of relations and directing him to take the steamer which had been sent to Vera Cruz to carry him home, he replied that his private interests would not permit such precipitate haste, and remained two

[1] 21 Despatches, Mexico, Private, Apr. 15, 1858.
[2] 22 Despatches, Mexico, No. 77, June 1; No. 78, June 17, 1858.
[3] 17 Instructions, Mexico, No. 46, May 19, 1858.
[4] 22 Despatches, Mexico, No. 79, June 19; No. 80, June 25. Forsyth reported that M. de Gabriac, the French Minister to Mexico, was at the bottom of a movement against the American legation.
[5] 22 Despatches, Mexico, No. 81, July 1, 1858.

months longer to vex the Mexican Government, whose downfall he hoped personally to witness.[1] Finally, the discontented minister, who had so often held out straws of hope to encourage his Government at Washington, pronounced Mexico a hopeless wreck ready for the wreckers, sent a caustic parting note to the new minister of foreign relations, and departed on October 20 for Vera Cruz, from whence he soon reached Mobile.[2] Summoned to Washington by the President, he resigned on February 7, to take effect on March 2, 1859. In May he published in the Washington Constitution extracts of his correspondence—justifying himself on grounds of self-defense against various newspaper attacks.[3] In June, assuming undivided responsibility as editor of the Mobile Daily Register, and devoting himself to the work of "recovering rights in the Union lost by southern supineness—or, in default of that, of preparing the southern mind for that serious alternative which the South may be forced to adopt for self preservation," he said that his personal differences with President Buchanan would in no wise influence his course of duty to the Democratic Party. "Let bygones be bygones." [4]

Late in December, with a view to opening diplomatic relations with the Juárez Government in case it should prove able to adjust questions at issue between the two Republics, Buchanan sent to Mexico a special confidential agent, William M. Churchill. Two months later he received from this agent a confidential report inclosing a memorandum signed by Juárez indicating a willingness to negotiate various treaties, including a cession of Lower California and perpetual rights of way across the isthmus of Tehuantepec and over other transit routes from the Rio Grande to Mazatlan and Guaymas, on the Gulf of California.[5] Although the much-desired territories of Sonora and Chihuahua were not included in the basis for negotiations, the President decided to send a minister to Vera Cruz.

On March 7, Robert M. McLane, of Maryland, was appointed envoy extraordinary and minister plenipotentiary, with authority to recognize the Juárez Government and to offer $10,000,000 for the cession of Lower California and the grants of transit, $2,000,000 of which was to be retained to pay the claims of American citizens against Mexico.[6] His conclusion to recognize the constitutional Government was largely determined by "the very large interests already involved in the rights of way over Tehuantepec" and the American interests in Sonora which were threatened by a contest

[1] 17 Instructions, Mexico, No. 49, July 15; 22 Despatches, Mexico, No. 88, Aug. 31, 1858.
[2] 22 Despatches, Mexico, No. 90, Sept. 18; Private, Oct. 1; No. 98, Nov. 22, 1858.
[3] Mobile Daily Register, May 18 and 24, 1859.
[4] Id., June 12, 1859.
[5] 17 Instructions, Mexico, Dec. 27, 1858; 23 Despatches, Mexico, No. 1, Apr. 7; Secret and Special Service Despatches, vol. 1, p. 778, et seq.
[6] 17 Instructions, Mexico, No. 2, Mar. 7, 1859.

with the central Government in regard to its public domain in that State.[1] His negotiations were doubtless rendered more difficult by the protest of the central Government at Mexico City, which, although promptly notified that the American Government would maintain a neutral policy, declared that the United States had recognized the Juárez Government in order to despoil Mexico of her national territory, and proceeded to pronounce void all treaties and agreements between the two countries.[2] In the negotiations which followed, the chief obstacle was the proposition for the cession of Lower California, which was especially opposed by Lerdo, the minister of finance, and which other members of the Juárez Government believed would be repudiated by the northern and central States of Mexico.[3] Ocampo was "reluctant to engage himself to any actual cession of territory," but being held to his implied obligation to give it if the United States desired it, he avowed the readiness of Juárez to cede it.[4] Doubting, however, whether the congress which was to be elected in October could be induced to ratify such a provision, he proposed that it should be placed in a separate treaty. In reply to the suggestion that there should be two separate treaties and a distinct division of the $10,000,000 between territory and transits, President Buchanan adhered to the belief that both should be included in the same treaty, which he thought would be more likely to be ratified.[5]

On the question of protection of transits the two countries could not agree. Ocampo declined to agree to the right of the United States to protect the transit across Tehuantepec, although he was inclined to be more liberal in regard to the concession of transit from Guaymas to Tucson by which McLane thought that the adjacent State of Sonora was likely to be Americanized even before Arizona could be admitted as a State. He recognized the obligation of Mexico to protect the routes, but he agreed that, if Mexico should fail, the United States, with previous consent of the former, might employ armed forces, but should submit them to the laws and authorities of Mexico in all things not relating to the internal government of the troops, and should exercise no act of jurisdiction over the inhabitants or passengers except to suppress crime in the act of being committed. Cass could not accept this article unless it could be modified so as to make previous consent of Mexico necessary "except in cases of sudden emergency."[6]

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[1] 23 Despatches, Mexico, No. 1, Apr. 7, 1859.

[2] 23 Despatches, Mexico, No. 10, Apr. 30; No. 12, May 7, 1859.

[3] 23 Despatches, Mexico, No. 20, June 22, 1859.

[4] 23 Despatches, Mexico, No. 1, Apr. 7, 1859.

[5] 23 Despatches, Mexico, No. 5, Apr. 21; 17 Instructions, Mexico, No. 9, May 24, 1859.

[6] 23 Despatches, Mexico, No. 5, Apr. 21; No. 20, June 22; No. 23, July 10; 17 Instructions, Mexico, No. 16, July 30, 1859.

At the same time a combination of conditions and events—the pecuniary distress of the Juárez Government, the discontent in the party that supported it, the atrocities committed in territory over which it had no control, and the apprehension of European intervention at Vera Cruz—suggested the idea of an Americo-Mexican alliance which would give protection and order to Mexico and enable the United States to protect the lives and property of American citizens in Mexico, "by chastising any power there which should presume to violate sacred treaty obligations and the common law of humanity."[1] In June—a month after McLane recommended the immediate occupation of San Juan de Ulua by the United States (with consent of the Juárez Government) to prevent its seizure by England or France—Ocampo submitted a project of a treaty of alliance providing for protection and security to rights of way granted to citizens of the United States, and making it "obligatory on either of the two Republics to aid in maintaining order and security in the territory of the other" upon request of a legitimate and acknowledged government obeyed by the majority of the nation and democratic in tendency. This McLane declined to consider, basing his objections largely on traditional grounds, which were approved by Secretary Cass.[2] At the same time, although he was opposed both to Lerdo's proposed guarantee of territorial integrity[3] and Ocampo's more general proposition for the support of republican institutions, he always agreed that, after a satisfactory treaty relating to transits and the cession of Lower California, the United States could be expected to enter into some arrangement which would give steadiness and security to the mutual interests thus established, and which "could be extended with propriety to the maintenance of law and order in the entire Republic." Although he could not agree to obligate the United States by treaty to intervene at the call of the Mexican Government, he suggested to Cass that an article authorizing the United States to exert its military power to enforce the stipulations embraced in the general treaty, and to chastise and punish if necessary, would secure the ascendency of American influence and American commerce in Mexico and establish a government of constitutional freedom there.[4]

The administration was finally forced to abandon its instructions for negotiations on a basis of acquisition of territory. From the beginning McLane confessed that he saw the impracticability of negotiating for the acquisition of Lower California unless the ratification and the purchase money could be promptly secured, enabling the

[1] 23 Despatches, Mexico, No. 8, Apr. 2; No. 12, May 7, 1859.

[2] 17 Instructions, Mexico, p. 242, No. 14, July 8.

[3] McLane said that Lerdo, who was much opposed to the cession of territory unless at an exorbitant compensation and at a future day, and who had differences with the cabinet on domestic questions which threatened the dissolution of the Government, introduced this proposition because he was unwilling to agree to any arrangement at the time. 23 Despatches, Mexico, No. 23, July 10, 1859.

[4] 23 Despatches, Mexico, No. 23, July 10; No. 22, July 10, 1859.

Government to distribute a share of the money to the States which sustained the treaty. At one critical time he encouraged his Government by the announcement that Lerdo, who in the cabinet had strenuously opposed any cession except at the exorbitant price of $30,000,000, had unexpectedly modified his views enough to favor a reconsideration on the basis of $15,000,000; but with little hope of success he suggested that his Government should thereafter leave the territorial question to his discretion.[1] At least, he thought that the proposed maximum price should be increased from $10,000,000 to $12,000,000. Doubting the wisdom of negotiating for a transfer of territory at a time when two opposing Governments were in conflict for possession of the empire, he hoped President Buchanan would authorize him to sign a treaty without reference to Lower California, and to pay $2,000,000 or $3,000,000 in consideration of the other stipulations.[2] While the President was extremely unwilling to sanction any convention in which the cession was not embraced, he finally authorized as a last resort the acceptance of transits and other rights at a stipulated payment of $4,000,000, of which the sum of $2,000,000 was to be reserved for the claims of American citizens.[3]

In the later negotiations conducted with Fuente, the new minister of relations, who adhered closely to the defense of Ocampo's project, McLane was unable to overcome the objections to the discretionary power of military force by the United States for the protection of the transits. The Juarez Government, urging that it must maintain its sovereignty over the transit routes, proposed for the protection of the transits an agreement to keep a fixed military force in commission which would obviate the possible contingency of any sudden emergency which might render necessary the military force of the United States without previous consent of Mexico. There was still another obstacle which had already been suggested by both Ocampo and Lerdo. Fuente urged the necessity of an immediate payment of the pecuniary consideration and declared that his Government, unless it could receive money at once to increase its power, could neither make the concession relating to Lower California nor that relating to the discretionary power of the United States to protect the transits without danger of exciting an opposition which would lead to

[1] 23 Despatches, Mexico, No. 23, July 10; No. 26, July 12. Lerdo went to the United States at this time on a mission to raise money on confiscated church property. "If he should succeed," wrote McLane, "there is no probability of acquiring Lower California. If he fail, I think he will advocate the cession." 23 Despatches, Mexico, No. 26, July 12. Two months later Consul Black wrote McLane that it was currently reported that Lerdo had completely succeeded in his negotiations at Washington and that Sonora and Lower California had been sold to the United States for $30,000,000. The report, however, was incorrect. 24 Despatches, Mexico, No. 38, Sept. 24. Lerdo failed to negotiate a loan. 24 Despatches, Mexico, No. 49, Nov. 6, 1859.

[2] 23 Despatches, Mexico, Unofficial, June 25, 1859.

[3] 17 Instructions, Mexico, No. 16, July 30, 1859.

the overthrow of the Government before ratifications could be exchanged.[1]

After closing negotiations McLane suggested that the weak Juárez Government, which still adhered to Ocampo's project of alliance, might be induced to accept a matured proposition from the United States.[2] In an unofficial dispatch of October 31 he proposed to sustain the weak Juárez Government by some sort of a military alliance which his Government regarded as a wide departure from previous American policy and disapproved because it was intended, not for a temporary emergency, but as a part of a general treaty, and also because it endangered the acceptance of any treaty with which it might be connected.[3] Two months earlier he recommended that the President should "ask Congress the power to enter Mexico with the military forces of the United States, at the call of its authorities, in order to protect the citizens and treaty rights of the United States."[4] This the President proceeded to do in his annual message of December, 1859. He considered this a wise precaution to prevent the future necessity of interference for the maintenance of the established American policy against intervention of European nations in American political affairs.

Returning to Vera Cruz in November, after a vacation of two months, McLane found the conditions more favorable for negotiating a treaty of transits and of commerce and intervention.[5] Unable to secure the loan which Lerdo had been sent to negotiate in the United States, and too weak to maintain order and enforce treaty stipulations, the Juárez Government accepted the only alternative—to conclude the negotiations for a treaty on the basis of McLane's later instructions. Fuente, again refusing to accept any modifications of Ocampo's project, promptly retired from the Government. Ocampo, who resumed the post of minister of relations, was assured by McLane that he had no desire to press the views of his Government nor to resume negotiations except on the American basis previously proposed. He promptly and fully conceded the views of President Buchanan in regard to the protection of transits and agreed to modify other articles to suit the views of the American Government. The most difficult task was to induce the constitutional Government to recognize its obligation to seek the aid of the United States whenever it should be unable effectually to perform its proper functions as a government in the enforcement of treaty stipulations and the maintenance of order. This was finally accomplished by emphasizing the fact that sooner or later the United States would

[1] 24 Despatches, Mexico, No. 30, Aug. 27; No. 33, Aug. 31, 1859.
[2] 24 Despatches, Mexico, No. 31, Aug. 28.
[3] 24 Despatches, Mexico, Unofficial, Oct. 31; 17 Instructions, Mexico, No. 21, Nov. 4, 1859.
[4] 24 Despatches, Mexico, No. 31, Aug. 28, 1859.
[5] 24 Despatches, Mexico, No. 56, Dec. 9, 1859.

act without reference to the constitutional Government or any other government or authority in defense of treaty rights and to protect its citizens. While emphasizing the fixed policy of his Government to avoid all interference in the domestic administration of Mexico, McLane "insisted that it was the recognized duty of the United States to interfere when its own security, or what is due itself in the abstract or in virtue of treaty stipulations, required such intervention."[1]

The resumption of negotiations promptly resulted in a treaty of transits and commerce, conceding valuable privileges for which the United States agreed to pay $4,000,000. Of this amount, $2,000,000 were payable on the exchange of ratifications and $2,000,000 were to be retained by the United States for the payment of claims of American citizens against Mexico. The privileges included the rights of way under the sovereignty of Mexico across the Isthmus of Tehuantepec, and also from the lower Rio Grande via Monterey to Mazatlan and from Rancho de Nogales to Guaymas by any kind of road, together with a port of deposit at each terminus of the route and free and unrestricted passage of merchandise and of mail in closed bags across Tehuantepec. The United States also was given the right to transport troops, military stores, and munitions of war over the Isthmus of Tehuantepec and from Guaymas to some suitable place on the boundary in the vicinity of Rancho de Nogales.

The treaty provided that both the United States and Mexico should protect the transits and guarantee their neutrality. It stipulated that Mexico should use her military forces if necessary to protect persons and property passing over any of the routes; but that, upon her failure to act, the American Government, with the request and consent of the Mexican Government, or of the Mexican minister at Washington, or of the competent and legally appointed local authorities, might employ military force for the same purpose (but for no other). In case of imminent danger to the lives and property of American citizens the American Government was authorized to act with military force for their protection without obtaining previous consent of Mexico.

Remarkable convention articles to enforce treaty stipulations departed radically from the traditional policy of the United States in their provision for direct intervention under certain conditions. The provisions of Article 1 were as follows: "If any of the stipulations of existing treaties between Mexico and the United States are violated, or the safety and security of the citizens of either Republic are endangered within the territory of the other, and the legitimate and acknowledged Government thereof may be unable from any cause to enforce such stipulations or to provide for such safety and security, it shall be obligatory on that Government to seek the aid of the other in

[1] 24 Despatches, Mexico, No. 57, Dec. 15, 1859.

maintaining their due execution, as well as order and security, in the territory of that Republic where such violation and discord occur; and in every such special case the expense shall be paid by the treasury of the nation within whose territory such intervention may become necessary; and if discord shall occur on the frontier of the two Republics the authorities of the two Republics nearest the place where the disorder exists shall act in concert and cooperation for the arrest and punishment of criminals who have disturbed the public order and security of either Republic, and for this purpose the parties guilty of these offenses may be arrested within either Republic and delivered over to the authorities of that Republic within which the crime may have been committed; the nature and character of such intervention, as well as the expense thereof, and the manner of arresting and subjecting to punishment the said criminals, shall be determined and regulated by an agreement between the executive branches of the two Governments."

The extraordinary nature of the convention was recognized, and it was justified only as a measure which might prevent serious international complications. Consul Black, hoping it would "turn out best in the end," wrote: "Our country has a solemn duty to perform—to itself, to the world, to the cause of humanity and to that of freedom and human rights—from which it will never shirk."[1] The convention was regarded as the only hope left to the constitutional Government. In urging the ratification by the Senate, McLane said that if the United States should decline the responsibility of the convention, the continuation of anarchy in Mexico would result in direct intervention from some quarter and perhaps expose the United States to the "responsibility of a general war and a conquest that few would desire to undertake or consummate."[2] If the President could secure ratification and authority to use the naval and military power of the Government in the Gulf and the Pacific to establish the constitutional Government in Mexico and enforce treaty stipulations, he expected the prompt submission of the Miramon Government, which in spite of his assurance of continued neutrality had published a vigorous and offensive protest.[3] "When it is ratified," said he, "I can easily dictate terms to the Miramon Government, obtain redress, and pacify this country. If it is rejected, anarchy will be the order of the day, and American influence will cease here."[4] A month later, desiring to anticipate any possible action of Miramon which might embarrass the situation, he urgently requested authority to adopt a decisive policy and to act as though the treaties had already been ratified. "Let us take the constitutional Govern-

[1] 24 Despatches, Mexico, Dec. 9; and No. 65, Dec. 30, 1859.
[2] 24 Despatches, Mexico, No. 57, Dec. 15, 1859.
[3] 24 Despatches, Mexico, No. 63, Dec. 22, 1859.
[4] 25 Despatches, Mexico, No. 66, Jan. 7, 1860.

ment firmly by the hand," said he.[1] On March 30, impatient with the slowness at Washington and apprehensive of European intervention, he advised withdrawal from all active responsibility and diplomatic intercourse with Mexico in case Congress should fail to sustain the Mexican policy of the administration.[2] The President, deferring all consideration of withdrawal, was as much disappointed as McLane with the failure of the Senate to approve the treaty and the refusal of Congress to give him power to use military force in Mexico, by which he said "European Governments would have been deprived of all pretext to interfere in the territorial and domestic concerns" of that country and the United States relieved from the obligation of resisting European attempts to deprive a neighboring Republic of portions of her territory.[3]

Near the close of the summer, in a conference with Cass at Washington, McLane requested authority to make to the European ministers in Mexico some reliable statement of policy which would limit their operations in Mexico and at the same time encourage the Juárez Government and increase the influence of the United States there. Embarrassed by the effect which the failure of the treaty might have on his subsequent influence in Mexico, at a time when England, France, and Spain had given notice of their determination to intervene to restore peace and enforce demands for redress, he suggested that he should confer with the English, French, and Spanish ministers at his own discretion and opportunity in order to advise them that he would use his best offices to facilitate all efforts for the restoration of peace on a fundamental basis of the right of the people of Mexico to establish and regulate their own Government and political destiny, and that the enforcement of demands for redress of wrongs subject to international reparation must not be exercised capriciously as a pretext to change and control the political destiny and institutions of the country.[4] Secretary Cass, although he saw no necessity for a formal declaration of policy, asserted that any European attempt to extort assent to a new government in Mexico and establish European ascendency would be met by the United States with armed action—in case Congress should adhere to the policy so long avowed and publicly proclaimed. Assuring McLane that there would be no abandonment of watchfulness of American interests in Mexico, he directed him to return to Vera Cruz without delay, to establish friendly relations with the Juárez Government, to ascertain the objects contemplated by the foreign powers, to give them to

[1] 25 Despatches, Mexico, Private and Confidential, Jan. 21; and No. 68, Jan. 21, 1860. The treaty was submitted to the Senate on Jan. 4, and through some leak it appeared in the National Intelligencer of Feb. 18, 1860.

[2] 25 Despatches, Mexico, No. 72, Mar. 30.

[3] 17 Instructions, Mexico, No. 32, Apr. 28, 1860.

[4] 26 Despatches, Mexico, Sept. 1, 1860

understand that the United States would adhere firmly to its policy against foreign intervention, and to be guided by circumstances as they should occur.[1] In the following November McLane reported that the Spanish minister had confirmed previous disavowals of any desire or intention to hold possession of any part of the country or to control its destinies. At the same time stating that President Juárez had steadily resisted all suggestions for signing a supplemental article for extending the time for exchanging ratifications of the treaty, he resigned and recommended the withdrawal of the mission. The President accepted his resignation and approved his course, but continued the mission by the appointment of a successor in the person of John B. Weller, of California.[2] Before his return, declining an invitation to cooperate with the European powers in favor of mediation, McLane sent Mr. La Reintrie as a special agent on a mission to the interior to deny the allegations that the United States desired a continuance of the Civil War, and to declare both to the Liberals and to foreign representatives the policy of the United States in regard to foreign intervention. In his special communication to the ministers of all foreign powers in Mexico, sent from San Angel (near Mexico City) on December 20, a week before the capture of the capital by the forces of Juárez, La Reintrie made a statement of American policy in which he declared that in case the European powers should interfere with the political independence of the Republic of Mexico, the United States would "to the extent of its power defend the nationality and independence of said Republic"—a declaration to which Seward was unwilling to commit his Government eight months later.[3]

In the meantime events in the United States rendered improbable any reconsideration of the McLane treaty by the Senate. The secession of South Carolina started a movement which turned public attention to new questions and soon took from the Senate almost all the members who had voted for the treaty.

The sequel to the story of persistent negotiations which terminated in an unratified treaty may be found in the Confederate policy to form an alliance with Mexico or to absorb it, the French policy of intervention in Mexico, and the American policy under Seward to prevent the execution of both Confederate and French policies and to preserve the integrity and independence of Mexico. A month after the formation of the Confederate government at Montgomery, Zarco, the Mexican minister of relations, complained to Weller that there were reasons to suspect that parties were leaving the United States with a purpose of invading either Lower California or Sonora. The

[1] 17 Instructions, Mexico, pp. 306–338, Sept. 20, 1860.

[2] 26 Despatches, Mexico, Nos. 104 of Nov. 5, and 106 of Nov. 12; 17 Instructions, Mexico, No. 42, Nov. 20, 1860.

[3] 26 Despatches, Mexico, No. 113, Dec. 21, 1860; House Exec. Doc. 100, 37th Cong., 2d sess., Apr. 14, 1862.

Mexican minister at Washington also complained of the designs of southern filibusters and slavery propagandists.[1] The earlier Mexican policy of the Confederate government is seen in the instructions given to Pickett to sound the Government of Juárez on the subject of alliance, in the filibustering spirit of Pickett's dispatches, and in the mission of Quintero to the governor of the northern Provinces, which were in a state of revolution. Seward, in his instructions to Corwin, as minister to Mexico, declared (Apr. 6) that the new administration had no sympathy with the schemes or designs recently conceived by the southern secessionists to establish a protectorate or other control over part or all of Mexico, and would take proper care to preserve neutrality and to prevent any apprehended attempts at invasion of Mexican territory.[2] Although he was opposed to the dismemberment of Mexico, he would have been willing to pay a good price for Lower California in order to prevent the Confederates from obtaining it as a base for extending their conquests.[3] Seeing that European powers, taking advantage of the efforts of the secessionists to divide the United States, and the inability of Mexico to reorganize herself and pay her debts, might increase American responsibilities by attempting their long threatened intervention in Mexico, Seward doubtless would have been willing (as a preventive measure) to assume the payment of the interest due foreigners on the Mexican funded debt—taking as security a mortgage or pledge upon the public lands of Lower California, Chihuahua, Sonora, and Sinaloa; but many Senators, fearing it might result in annexation, opposed a loan on pledge of territory.[4]

[1] 27 Despatches, Mexico, No. 3, Mar. 18, 1861; Department of State, etc., Notes to Department from Mexican Legation, vol. 9, Apr. 1 and May 4, 1861.

[2] 17 Instructions, Mexico, No. 2, Apr. 6.

[3] 17 Instructions, Mexico, No. 8; 27 Despatches, Mexico, Nos. 1, 2, and 3 of May 29, June 29, and July 29, 1861.

[4] 17 Instructions, Mexico, No. 2; 27 Despatches, Mexico, Nos. 4, 5, and 6 of Aug. and Sep., et seq; 17 Instructions, Mexico, Nos. 49 and 50 of June 7 and 24, 1861.

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